IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Decided on: September 11, 2009.

(1) **RFA No.3249 of 2003.**

Amar Singh and others

.. Appellants

VERSUS

The Punjab State and another.

.. Respondents

*** * ***

(2) **RFA No.3393 of 2003.**

Gurbhagat Singh and others

.. Appellants

VERSUS

The Punjab State and another.

.. Respondents

*** * ***

CORAM: **HON'BLE MR.JUSTICE M.M.S.BEDI**

PRESENT **Mr.H.R.Noheria, Advocate,**
for the appellants.

Mr.N.S.Pawar, Addl.A.G., Punjab,
for the respondents.

RFA No.3249 of 2003

M.M.S. BEDI, J. (ORAL)

The appellants are residents of village Patti Karamchand Mehraj. The land of four villages namely, Lehra Saundha, Lehra Mohabbat, Lehra Dhulkot and Patti Karam Chand, was acquired for the purpose of setting up of Guru Nanak Thermal Plant, Stage-III, Bathinda. The land of the appellants was notified to be acquired for above said public purpose, vide Notification under Section 4 of the Land Acquisition Act (for short "the Act") dated 16.07.1992, which was followed by Notification under Section of the Act dated 28.01.1993. The land acquisition collector had evaluated the land in its award as follows: -

(i)	Nehri	Rs.48,298/- per acre
(ii)	Chahi	Rs.56,000/- per acre
(iii)	Barani	Rs.26,062/- per acre
(iv)	Gair Mumkin	Rs.67,538/- per acre

Aggrieved against the award passed by the Collector, the appellants along with other land owners preferred land references under Section 18 of the Act. A reference Court vide a common judgment assessed the market value of the acquired land as follows:-

(i)	Nehri and Chahi	Rs.1,45,000/- per acre
(ii)	Barani	Rs.90,000/- per acre
(iii)	Gair Mumkin	Rs.1,50,000/- per acre

Vide RFA No.2292 of 2002, bunch of 426 cases of all the above said four villages were taken up by a coordinate Bench of this Court and these were decided on 04.12.2008, assessing the market value of the land acquired as follows:-

(i)	Nehri and Chahi	Rs.95,000/- per acre
(ii)	Barani	Rs.65,000/- per acre
(iii)	Gair Mumkin	Rs.1,50,000/- per acre

Counsel for the appellants has not been able to distinguish the merits of this case from that of already decided case **RFA No.2292 of 2002**. It is settled principle of law that the judicial decisions pertaining the same subject matter in land acquisition cases can be treated as a precedent for determining the market value, following the judgment in RFA No.2292 of 2002,

The appeal is disposed of in similar terms and it is ordered that the market value of the land of the appellants will be Rs.95,000/- per acre for Chahi and Nehri land, Rs.65,000/- per acre for Barani land and for Gair Mumkin land as determined by the reference Court.

The appellants will be entitled to all other statutory benefits.

(M.M.S.BEDI)
JUDGE

September 11, 2009.
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